

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WOODMEN OF THE WORLD LIFE
INSURANCE COMPANY, a Nebraska
Fraternal Benefit Society,

Plaintiff,

vs.

ROBERT WEATHERSBEE and MAXIE
BONDURANT,

Defendants.

8:16-CV-498

ORDER

This matter is before the Court on the plaintiff's Motion for Default Judgment ([filing 87](#)). "[An] entry of default under [\[Fed. R. Civ. P.\] 55\(a\)](#) must precede grant of a default judgment under Rule 55(b)." *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783 (8th Cir. 1998). The plaintiff has shown that Robert Weathersbee has failed to defend in this case. Accordingly, the Court will direct the Clerk of the Court to enter a default against him. Upon receiving notice that default has been so entered, the Court will consider the plaintiff's Motion for Default Judgment ([filing 87](#)).

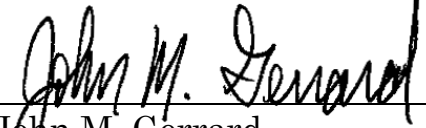
In addition, the Court notes that while the plaintiff's motion clearly seeks a judgment pursuant to Rule 55(b), it is not clear whether the plaintiff is asking for a final judgment to be certified pursuant to [Fed. R. Civ. P. 54\(b\)](#), given that its claims against Maxie Bondurant are still stayed due to his bankruptcy. Accordingly, the Court will direct the plaintiff to submit a brief in support of its motion, along with any necessary supporting evidence, should the plaintiff be seeking a final judgment pursuant to Rule 54(b). *See Williams v. Cty. of Dakota, Neb.*, 687 F.3d 1064, 1067-68 (8th Cir. 2012); *see also Fed. Deposit Ins. Corp. v. Tripathi*, 769 F.2d 507, 508 (8th Cir. 1985).

IT IS ORDERED:

1. The Clerk of the Court is directed to enter the default of defendant Robert Weathersbee.
2. Upon receiving notice that default has been so entered, the Court will consider the plaintiff's Motion for Default Judgment ([filing 87](#)).
3. On or before April 24, 2018, the plaintiff shall file a brief and any necessary evidence in support of a request, if any, for certification of a final judgment pursuant to Rule 54(b).
4. The Clerk of the Court shall set a case management deadline for April 24, 2018, with the following docket text: Check for plaintiff's request for Rule 54(b) final judgment.

Dated this 3rd day of April, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge